

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**RICKEY C. BROOKS
ADC # 108335**

PLAINTIFF

V.

No. 5:05CV00047 WRW-BD

ARKANSAS DEPT. OF CORRECTION, *et al.*

DEFENDANTS

ORDER

Plaintiff Rickey C. Brooks filed a Complaint (#1) on February 16, 2005, alleging an Eighth Amendment claim under 42 U.S.C. § 1983 and a state law medical negligence claim. On March 6, 2007, this Court entered an order (#53) directing Plaintiff to file, on or before April 7, 2007, the executed summons on Defendants Dr. Lee and Nurses Durham, Wycroft, Bealer, and Alexander or to show good cause as to why these defendants were not timely served under Federal Rule of Civil Procedure 4(m). On March 21, 2007 this Court entered an Order to Amend Order (#53) of March 6, 2007 (#55) acknowledging that Defendant Alexander had been served and had Answered (#23) the complaint, and directing Plaintiff to file executed summons showing that Defendants Hartgrave and Jordan were timely served with the Complaint or show good cause why these Defendants were not timely served under Federal Rule of Civil Procedure 4(m).

Plaintiff has responded to the Court's orders with a Motion to Dismiss (#57) seeking to voluntarily dismiss his Complaint. Under Federal Rule of Civil Procedure 41(a)(1), the Plaintiff is entitled to a voluntary dismissal of his Complaint.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to Dismiss (#57) is GRANTED. The Complaint (#1) is DISMISSED WITHOUT PREJUDICE with each party to bear its own costs and expenses.

IT IS SO ORDERED this 12th day of April, 2007.

/s/ Wm. R. Wilson, Jr.

UNITED STATES DISTRICT JUDGE